

Anthony Gay
Plaintiff

vs.

Katherine Clover, Marvin Powers

Stacy Williamson, Wexford Health sources Inc

09-925-386

No.

FILED

NOV -3 2009

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

CAUSE OF ACTION FOR DELIBERATE INDIFFERENCE, CRUEL AND UNUSUAL PUNISHMENT AND RETALIATION

Now comes plaintiff Anthony Gay filing this cause of action "under imminent danger" on the following grounds:

1. I, Anthony Gay am the plaintiff in this cause of action and was at all times pertinent an inmate in Tamm Correctional Center.
2. The Defendant Katherine Clover is a licensed clinical social worker at Tamm Correctional Center and was at all times pertinent a licensed clinical social worker at Tamm Correctional Center.
3. THE DEFENDANT MARVIN POWERS IS A MEDICAL DOCTOR AT Tamm Correctional Center and was at all times pertinent a medical doctor at Tamm Correctional Center.
4. THE DEFENDANT STACY WILLIAMSON IS A REGISTERED NURSE AND Director of Nursing at Tamm Correctional Center and was at

All times pertinent a Registered nurse and Director of Nursing at Tamm Correctional Center.

5. THE DEFENDANT Wakeford Health Services Inc is a private, for profit company providing medical and mental health services under a contract to inmates in Tamm Correctional Center.

COUNT I DELIBERATE INDIFFERENCE TO SERIOUS MENTAL HEALTH NEEDS

6. Plaintiff has self-mutilated himself hundreds of times since his arrival at Tamm on 1-29-04.
7. The Deliberate Indifference of Defendants to the serious mental health and medical needs of plaintiff is demonstrated by a series of incidents of mistreatment occurring closely together in time. The incidents are described in the statements about the plaintiff below.
8. The Defendants Clowe, Powers and Williamson are well aware plaintiff self-mutilate himself on a regular basis.
9. As a result of plaintiff's continuous self-mutilation, plaintiff is anemic

10. THE DEFENDANTS CLOVE, POWERS AND WILLIAMSON ARE WELL AWARE plaintiff is ARBIC AND ANY TIME HE CUTS HIMSELF, HE'S AT RISK TO COMMIT SUICIDE.

11. ON November 1st 2007 AT APPROXIMATELY 3:15 PM THE plaintiff INFORMED LIEUTENANT FERGUSON HE WAS HAVING A CRISIS AND THAT HE WAS GOING TO HARM HIMSELF. LIEUTENANT FERGUSON NOTIFIED DEFENDANT CLOVE. AT APPROXIMATELY 3:45 PM DEFENDANT CLOVE CAME TO MEET plaintiff. DEFENDANT CLOVE WAS UPSET THE 3111 SH4T CONTACTED HER ABOUT plaintiff'S CONCERNS. SHE STATED TO plaintiff, "If you EVER do this again - wait until four o'clock to get me down here - you wait like your six months with me." (ON NOVEMBER 1, 2007 THE MENTAL HEALTH STAFF SWITCHED POD ASSIGNMENTS AND DEFENDANT CLOVE WAS ASSIGNED TO B-POD WHERE plaintiff IS HOUSED). THE plaintiff INFORMED DEFENDANT CLOVE THAT HE WAS AGITATED AND ANXIOUS AND WAS GOING TO CUT HIMSELF. THE DEFENDANT CLOVE STATED: "Will discuss it in the morning." SHE THEN WALKED OFF TEN HOURS LATER, plaintiff MUTILATED HIMSELF. DEFENDANT CLOVE DISREGARDED plaintiff'S ~~SAFETY~~ SAFETY.

12. ON DECEMBER 13, 2007 AT APPROXIMATELY 10:00 AM plaintiff CUT HIS ARM. AT APPROXIMATELY 10:20 AM DEFENDANT CLOVE APPROACHED plaintiff'S CELL TO ASSESS plaintiff. plaintiff INFORMED DEFENDANT CLOVE HE CUT HIS ARM. "Today?" DEFENDANT CLOVE ASKED. plaintiff TURNED ON HIS LIGHT;

grabbed a hand full of blood clot from his arm. it dropped back down on plaintiff's arm. Defendant Clouse- cringed her face as if somebody stuffed her with a mouthful of sawkraut. And ran off the lung. The defendant Clouse- didn't assess plaintiff or put plaintiff on a crisis watch for his protection.

13. on 12-30-07 at approximately 10:00pm plaintiff cut a gash in his leg. Defendant powers was notified via phone. Defendant powers did not order plaintiff to be put on a crisis watch for his safety or to be put in to see mental health in the A.M.

14. on 12-31-07 plaintiff informed lieutenant Benefield he was going to harm himself. lieutenant Benefield reported it to Defendant Williamson. Defendant Williamson did not refer plaintiff to mental health. she recklessly disregarded plaintiff's safety. only after plaintiff cut himself, he was assessed by mental health (1-1-08)

15. on 1-2-08 at approximately 1:00 am plaintiff mutilated his thigh. The defendant powers was notified via phone, but did not order plaintiff to be put on crisis watch for his safety.

16. on 1-7-08 plaintiff mutilated his thigh and the defendant

Clower was notified. Defendant Clower disregarded plaintiff's safety and did not place plaintiff on crisis watch.

17. on 1-11-08 plaintiff mutilated himself. And the defendant Clower was notified. Defendant Clower disregarded plaintiff's safety and did not put plaintiff on crisis watch.

18. on 1-24-08 at approximately 4:50 a.m. plaintiff cut his right leg. The defendant powers was notified via phone. Defendant powers disregarded plaintiff's safety and didn't order plaintiff placed on crisis watch for his safety.

19. on 1-24-08 at approximately 8:30 am Defendant powers made medical rounds. Plaintiff stated, "Did the nurse tell you I cut myself this morning?" Defendant powers replied, "I don't care if you cut yourself." Defendant powers then walked off.

20. on 1-25-08 at approximately 8:40 am plaintiff cut his inner thigh. at approximately 8:50 am plaintiff was evaluated by defendant Clower. Plaintiff explained to Defendant Clower he was hurting inside, because he didn't receive a Christmas card, nor has he heard from his family. plaintiff further informed Defendant Clower plaintiff would keep cutting, including his penis. Defendant Clower asked [REDACTED] plaintiff, "Do you need to go in restaurants?" "yes," [REDACTED] plaintiff replied.

"but Dr. powers probably won't put me in restraints because he said yesterday, he doesn't care if I cut myself." "I'm going to ask him to put you in restraints," Defendant Clower said, "if he doesn't, I'm going to put you on suicide watch. That's all I can do." Defendant Clower went in the officers' office and faked like she called the Doctor. She then came back and told the treatment team to put plaintiff on suicide watch. Subsequently, plaintiff cut his penis and started pulling flesh out of it, no blood gushed out his penis. Only then was the Doctor notified, and plaintiff put in therapeutic restraints.

21. As a result of Defendant Clower and powers malicious, sadistic and deliberate indifference on 1-24-08 and 1-25-08, the plaintiff's penis, where he cut and pulled flesh out, is numb.

22. on 2-13-08 at approximately 4:00am, plaintiff cut his left thigh. The defendant powers was notified via phone. he did not order plaintiff placed on crisis watch for his safety.

23. on 2-14-08 plaintiff cut his thigh. The Defendant Clower was notified. she disregarded plaintiff's safety and didn't place on a crisis watch.

24. on 3-6-08 at approximately 1:10am plaintiff cut his right forearm. Defendant powers was notified via phone he disregarded plaintiff's safety and not place plaintiff on crisis watch.

25. on 3-6-08 at approximately 9:00am plaintiff cut his neck. Defendant Clouse was notified. she disregarded plaintiff's safety and did not place plaintiff on crisis watch.

26. on 4-15-08 at approximately 4:50 am plaintiff cut his leg. The nurse attempted to notify Defendant powers and he couldn't be reached.

27. on 4-22-08 at approximately 5:00am plaintiff cut his right thigh and embedded two paper-clips in the cut. The defendant powers was notified via phone. He disregarded plaintiff's safety and didn't place plaintiff on a crisis watch.

28. on 4-22-08 at approximately 9:30 am plaintiff showed nurse that he cut his neck, forearm and leg. she notified Defendant Clouse. Defendant Clouse left plaintiff in the cell bloody, and didn't place plaintiff on crisis watch for his safety.

29. on 4-28-08 at approximately 5:08 am plaintiff was treated for cutting his penis, embedding a paper-clip in it and cutting his thigh. Defendant powers was notified via phone. he didn't place plaintiff on crisis watch for his safety.

30. on 5-6-08 at approximately 1:10am plaintiff cut his mid right inner thigh. subsequently Defendant Clouse was notified. she did not place plaintiff on a crisis watch for his safety.

31. on 5-23-08 at approximately 4:30 am plaintiff cut his upper thigh. The nurse tried to contact Defendant powers via phone, and he couldn't be reached.

32. on 6-8-08 plaintiff cut his leg and embedded a paperclip in the cut. on 6-9-08 the Defendant Clower came to assess plaintiff. The plaintiff showed the Defendant Clower he had cut on his leg with the paperclip protruding from the cut. Defendant Clower stated: "That's gross!" and ran away from plaintiff's cell. She didn't even assess plaintiff for safety. nor did she put plaintiff on crisis watch for his safety.

33. on 7-6-08 at approximately 12:50 pm plaintiff cut his ~~arm~~ arm and embedded a paperclip in his penis. After receiving treatment plaintiff was placed back in his cell. Subsequently plaintiff cut his scrotum to where his testicles was hanging out ~~his~~ his sack. The nurse notified Defendant powers via phone at 3:40 pm. Defendant powers refused to have plaintiff sent to the hospital to have his testicles placed back in his scrotum and sutured up. As a result plaintiff was compelled to put his testicles back in his sack on his own causing excruciating pain.

34. on 7-25-08 plaintiff cut his scrotum and pierced his testicles with two paperclips. The plaintiff ran pieces of torn sheet through the paperclips and tied the sheet around his leg. As a result, the paperclips were pulling the plaintiff's

testicle out his sack. Nurse Butler removed the objects. (yet there still WAS a braided piece of sheet running through the testicle). Nurse Butler contacted nurse Williamson and informed her plaintiff cut his testicle. Defendant Williamson (Butler's supervisor) did not refer plaintiff to see the doctor or direct nurse Butler to refer plaintiff to see the doctor. nor did defendant Williamson assess plaintiff's injury. yet, she directed nurse Butler no further intervention was necessary. as a result plaintiff suffered a low grade fever and ~~continuous~~ continuous pain until the braided piece of sheet was removed approximately four days later.

35. on 8-29-08 at approximately 3:00pm plaintiff cut his right inner thigh. Defendant Cloer was notified. At approximately 3:30pm plaintiff showed Defendant Cloer he cut his thigh and had a plastic tie running through the cut. Another inmate on the wing started kicking on the door. Defendant Cloer walked off, and didn't even assess plaintiff or place plaintiff on crisis watch for plaintiff's ~~own~~ safety.

36. on 10-18-08 at approximately 2:30am plaintiff cut the far left side of his scrotum, and embedded a one inch piece of metal in the flesh. It looked like a piece of gum stretched over a piece of metal, hanging out plaintiff's sack. The Defendant powers was notified via phone. He didn't order plaintiff to be sent to the outside hospital to be sutured up. nor did he place plaintiff on a crisis watch

for his safety.

37. on 10-26-08 the plaintiff sliced the upper-left side of his testicle like a tomato. The defendant powers was notified via phone. The defendant powers disregarded plaintiff's safety and didn't order plaintiff sent to the outside hospital to be sutured up or place plaintiff on a crisis watch for his safety.

38. on 10-27-08 The plaintiff showed nurse Claudia Leslie the deep gash in his [REDACTED] testicle. She notified Defendant powers. He refused to suture the cut. As a result, plaintiff dug in [REDACTED] it more and got an infection.

39. on 10-28-08 plaintiff was released from therapeutic restraints (plaintiff was in restraints for 22 1/2 hours) although plaintiff had a fever, the Defendant Clove- refused to authorize the plaintiff a blanket for two days.

COUNT II DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED

40. Plaintiff re-alleges paragraph 1[#] thru 39[#]

COUNT III RETALIATION

41. on 4-1-08 plaintiff filed a grievance against Defendant Clove- for leaving his medical records outside his cell on his box. And not giving them to plaintiff. In addition, Lieutenant Parrish

filed an incident report about it. This incident report put Defendant Cloer in bad light. On 5-20-08 plaintiff received copies of his medical records for 1-25-08. This is when plaintiff discovered Cloer never consulted with the doctor at 8:50am, on 1-25-08 after he threaten to cut his penis. Plaintiff filed a grievance against Defendant Cloer about it. In retaliation, of the aforementioned, Defendant Cloer issued a nondisclosure to prevent plaintiff from having access to his mental health and medical records.

COUNT IV DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED

42. In May of 2008 Defendant Powers was on leave. Dr. Davis filled in for Defendant Powers. Dr. Davis ordered a C.B.C. (complete blood count) did on plaintiff. On May 23, 2008 Dr. Davis informed plaintiff his hemoglobin had been 6.6 to 7 since 2006. And that plaintiff was Anemic due to self-mutilation. Dr. Davis ordered plaintiff placed on iron supplement to help build plaintiff's blood back up. And an Anemic profile did on plaintiff. Defendant Powers a couple days later, discontinued the iron supplement and cancelled the Anemic profile order. This was deliberate Indifference to plaintiff's serious medical needs.

COUNT V DELIBERATE INDIFFERENCE TO SERIOUS MENTAL HEALTH NEEDS

43. The Defendant Wexford Health Services Inc is a private, for profit company providing medical and mental health services to inmates at Joliet Correctional Center under contract with Illinois Department of Corrections.

44. Wexford is well aware that Joliet is a supermax prison with mental health patients. In attempt to save money and recklessly disregard the health and safety of plaintiff, as an inmate, has Defendant powers, who is a medical doctor, not a psychiatrist or mental health professional, on call for mental health issues, which ~~causes~~ causes plaintiff to receive inadequate mental health treatment or assessment. When powers is notified via phone. The defendant powers is not employed to provide mental health services, which is a systematic deficiency and deliberate indifference to plaintiff's serious mental health needs, thus causing plaintiff to suffer mistreatment that could cost his life.

RELIEF REQUESTED

- A. That plaintiff be awarded compensatory and punitive damages.
- B. That a mental health professional be placed on call for mental health issues. (Injunctive relief)

C. That a clinical psychologist be hired to supervise the social workers. (Injunctive relief)

Respectfully

AG

Anthony Gay 862251

8500 Supermax road

Tamms. IL 62988

STATE OF ILLINOIS

AFFIDAVIT

I, Anthony Gay, being duly sworn under oath state that I am that I am the plaintiff in this cause of action and state the contents thereof are true and correct to the best of my knowledge

ISI AG

Certificate of Service

This certifies I sent the above instrument to the clerk of court (U.S. District Court Southern District of Illinois) via mail on _____ and a copy for each defendant.

ISI AG

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